

1906-005 Chancery Causes: A. J. Baker vs. Adm. of W. B. Livingston to  
Lee Co.

Milham, Maness, Loyd, Hyatt

- Deed

CA-Debt

T-Property



TO THE HON. H. A. W. SKWNN, JUDGE OF THE CIRCUIT COURT FOR LEE  
COUNTY, VIRGINIA.

Humbly complaining your orator, A. J. Baker, would respectfully represent and show unto your honor, that on the 13th day of April, 1901, N. B. Livingston, now deceased, and C. M. Livingston his wife, for valuable consideration executed and delivered to your orator their note for Five Hundred Dollars, (\$500.00), bearing interest from that date and due and payable in three years from date; and to secure the payment of said note the said N. B. Livingston and wife, C. M. Livingston, on the day and year aforesaid executed and delivered to J. H. Maness, Trustee, a deed of trust on a tract of land owned by them, in said County of Lee, on Black Water Creek, containing 100 acres more or less, which deed of trust was duly recorded in the Clerk's Office of Lee County on the 15th day of April, 1901, a copy of which deed of trust is herewith filed as part hereof marked "A"; that the said N. B. Livingston on the \_\_\_\_ day of \_\_\_\_, 19\_\_, departed this life intestate, leaving a widow, the said C. M. Livingston, and Bradley Livingston, William Livingston, Hubart Livingston, McKinley Livingston and Lenice Livingston, his children and heirs at law to whom his interest in the said tract of land descended; that due administration of the estate of the said N. B. Livingston, deceased was committed to W. J. Mileham, Sheriff of the said County, on the 13th day of February, 1902, and the said administrator of the said estate took charge of the said personal estate of the said decedent; that no settlement of the said administration account has been made, and your orator is informed that there was a very small personal estate, in fact, went into his hands, and the said real estate will have to be sold in order to pay and discharge the indebtedness of said estate, including the said deed of trust; <sup>no part of which has been paid</sup> which tract of land your orator is advised belonged to the said N. B. Livingston and his wife jointly, and she having joined in said deed of trust a moiety of the same is subject to sale to pay her part of the said deed of trust, as well as the other moiety owned by the said N. B. Livingston, deceased,



should there not be personal estate sufficient to pay his part of the said deed of trust. Now, the object of this bill, which is filed for the benefit of all the creditors of the said N. B. Livingston deceased, who will come in and contribute to the cost of this suit, is to have the account of the administrator settled, and the personal estate in his hands, if any, that may be applied to the payment of his debts, ascertained, and if necessary, to have a decree for the sale of the said tract of land, <sup>free from dower</sup> or a sufficiency thereof to pay the indebtedness of the said estate and the cost of this suit including an attorney's fee of \$25.00 to your orator's counsel, and the moiety of the said deed of trust for which the said C. M. Livingston is liable. To this end he makes the said W. J. Mileham, the administrator of N. B. Livingston, deceased, C. M. Livingston, Bradley Livingston, William Livingston, Hubart Livingston, McKinley Livingston, Lenice Livingston and J. H. Maness <sup>Trustee</sup> the parties defendants to this bill and ask that they be required to answer the same, but not on oath, answer under oath being expressly waived, and on a hearing a commissioner be appointed to settle the said administration account and ascertain and report the debts against the said estate, and the assets both real and personal that may be subjected to the payment of the said debts, and that your orator's said deed of trust be given its proper position in point of priority against the said tract of land, and if necessary that the said tract of land be sold to pay the indebtedness of the said estate, and the moiety of the said deed of trust which should be paid by the said C. M. Livingston; that your honor will grant unto your orator such other further and general relief as may be consistent with equity, and that the nature of the case may require. And your orator will ever pray &c.

Wm. J. Mileham, Jr.



Clerk \$9.65  
 atty. 15.00  
 Shff 1.00  
 G.R. 5.00  
 Comm. Fees 15.00  
 " Cr. .25  
 \$45.90  
 Estimated 5.00  
 \$50.90  
 Comm. Fees 1.50  
 \$52.40

vs  
 1904. 2nd Nov  
 Sta Exped  
 J. G. Haines & D. V.  
 Mr. G. C. applied for  
 the infant debts & their  
 1904. 1st Dec R. D. V. Cause  
 and Cause set for hearing  
 by Plff.



In the Circuit Court for the County of Lee,  
to-wit:

THE ANSWER OF Bradley, Livingston, Wm Livingston  
Herbert Livingston, McKim Livingston & Lewis  
Livingston

infants under the age of twenty-one years, by M. G. Ely  
guardian *ad litem*, assigned to defend Them in this suit, to a bill of complaint exhibited against  
them and others in the Circuit Court for the County of  
Lee, by A. J. Baker and others.

The respondent, reserving to ~~themselves~~ the benefit of all just exceptions to the said bill, for  
answer thereto, answering by said guardian *ad litem*, say that they are infants of  
tender years, and by reason of such disability are incapable of understanding, or of  
taking care of their rights and interests, they therefore commend the same  
to the protection of the court, and prays that no decree may be pronounced which will tend  
to their prejudice.

And having answered, the respondent pray to be hence dismissed with their  
reasonable costs, in this behalf expended; and they will ever pray, &c.

M. G. Ely, Guardian *ad litem*.

p. d.

Va. County  
OF  
Lee } ss.

This day, M. G. Ely, whose name is signed to  
the foregoing answer, personally appeared before me, J. W. Orr, Commissioner in Chancery  
and made oath that the statements made therein, so far as they depend upon his own knowl-  
edge, are true, and so far as they depend upon knowledge derived from others he believes them  
to be true.

Given under my hand, this 23 day of Nov. 1904

J. W. Orr, Commr in Chy.



*W. J. Milburn et al.*

adv. }

ANSWER  
OF  
INFANT DEFENDANT.

*A. J. Baker,*

*Filed. Not too Rules 1904.  
H. C. T. Ewing,  
Clerk.*

*Ex. L. Fee \$5.00  
Court arr. .25-*



To the Hon. H. A. W. Skeen, Judge of the Circuit Court  
for Lee County, Virginia.

The answer of C. M. Livingston, widow of N. B. Livingston deceased, to a bill filed in this honorable court by A. J. Baker, for answer to said bill this respondent states, that it is true that the plaintiff ~~owned~~ the deed of trust in the bill mentioned on the tract of land owned by her said husband at the time of his death, and in which deed of trust she joined, but she has no interest in said tract of land except her dower interest therein. She and her said husband owned ~~jointly~~ another small tract or lot of land at Blackwater Lee County, Virginia, and this small lot or parcel of land was owned by respondent and her said husband jointly. Your respondent being of opinion that it will be necessary for a considerable portion of the real estate owned by her said husband, at the time of his death, to be sold to pay his indebtedness, there being no personal estate out of which the remaining indebtedness can be paid that is shown by Commissioner Goins's report in this cause, she is of opinion that it will be to her interest as well as to the interest of her infant children to have the entire real estate owned by her said husband, as well as her interest in the five acre tract of land sold and the money derived therefrom divided between her and the infant children of her said husband, according to their respective interests therein, after paying the said indebtedness, and the said money so derived therefrom so far as the infants are concerned ~~be~~ kept at interest until they arrive at the age of twenty one years, or ~~be~~ invested for them in other real estate, but so far as her interests in said fund is concerned she desires that the same be paid to her. Your respondent is informed that there has been a proposition made by F. C. Anderson in writing, in which he proposes to pay for the 100 acre tract of land the sum of \$1400.00, and to pay enough of the said sum in hands to satisfy the said deed of trust in favor of A. J. Baker, together with the cost of this suit and commissions on sale, and what ever sum may be due to your respondent, as widow



of the said decedent out of the sale of the said tract and the residue on such terms as the court may prescribe. Said written proposition is here filed as part hereof marked "X". In view of this proposition your respondent asks that the said 100 acre tract be sold at public auction, but that the same be started at the bid of the said Anderson of \$1400.00, and on the terms proposed by him, believing as she does that this is a reasonably fair proposition, but nevertheless hoping that the land may possibly sell for more. As to the five acre tract your respondent will be satisfied with the sale of that on such terms as your honor may prescribe. Your respondent was 37 years old on the 3rd, day of November, 1904.

Now having answered<sup>ed</sup> she prays to be hence dismissed with her reasonably cost in this behalf expended. And she will ever pray  
&c.

*Ann Nell for Respondent.*



A. J. Baker.

vs. Sub of C. M. Livingston

Wm J Milham et al.

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Filed Feb. 7. 1905.

by leave of Court.

H. C. Ewing, cl.



A. J. Baker,

Plaintiff.

vs.

In Chancery.

Wm. J. Mileham, Admr. et al,

Defendants.

This cause came on to be again heard upon the papers formerly read in the cause, and the report of James W. Orr, Commissioner filed in the cause May 7th, 1906, and was argued by counsel. And the said report being unexcepted to it is adjudged ordered and decreed that the said report and the action of the said commissioner therein reported ~~showing~~ his account with the funds that came into his hands from the sale of the real estate sold <sup>by</sup> him in this cause, be and the same is hereby approved and confirmed.

And it is further adjudged, ordered and decreed that the said James W. Orr, commissioner as aforesaid ~~do~~ pay over to C. M. Livingston, who has this day qualified in this court as guardian for the minor heirs of N. B. Livingston, deceased, mentioned in this cause and said report, the sum of \$456.80 shown by said report to be in his hands going to the said infants, and the said commissioner having paid to said Guardian said sum of money, and took her receipt for same, as shown by his report this day filed in the cause, it is adjudged, ordered and decreed that said last named report, and the action of the said commissioner in paying over said fund <sup>be</sup> ~~therewith~~ and the same is hereby approved and confirmed.

And it appearing from the said report of the said commissioner filed May 7th, 1906, that F. C. Anderson and W. T. Anderson the purchasers of the real estate sold by said commissioner in this cause have paid in full the purchase money for said real estate, and are entitled to deeds therefor, it is adjudged ordered and decreed that said James W. Orr, who is appointed a commissioner for the purpose, do convey by proper deed with covenants of special warranty, to the said F. C. Anderson and W. T. Anderson the real estate purchased by them from said commissioner, respectively. And the said commissioner having made said deeds, and the same having been this day report<sup>ed</sup> by him in the



cause, it is adjudged ordered and decreed that said report and the said deeds be and the same are approved and confirmed. And the said F. C. Anderson and W. T. Anderson shall pay to said commissioners the sum of \$5.00 <sup>each</sup> for making said deeds for which executions may issue. And the cause is stricken from the docket.



A. J. Baker  
vs. Deere & Linsab  
J. M. J. M. Linsab  
H. L.

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Entered in C. O. B.  
# 8, page 15-7, v. c.

Enter this decree.  
J. A. W. Skum  
May 22<sup>nd</sup> 1906.



A . J. Baker,

Plaintiff.

vs.

In Chancery.

W. J. Mileham, Admr. &c. et al.

Defendants.

This cause came on again to be heard upon the papers formerly read in the cause, the report of James W Orr Commissioner filed in the cause February 10th, 1906, and was argued by counsel.

On consideration thereof and said report being unexcepted to it is adjudged, ordered and decreed that the said report and the action of the said commissioner therein reported be and are hereby confirmed. And the cause is continued.



A. J. Baker.

vs. Deere

W. J. Nibham ~~Shure~~  
et al.

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Entered in  
C.C.B. # 8 Page 120.

Enter this Deere.

Haw. S. W.

Feb 19 1906.



A. J. Baker,

Plaintiff.

vs.

In Chancery

W. J. Mileham, Admr. &c. et al

Defendants.

This cause came on again to be heard upon the papers formerly read in the cause, and the supplemental report of A. M. Goins, Commissioner, filed in this cause, November, 15th, 1905, and the report of James W. Orr, Commissioner, filed in the cause November, 23rd, 1905, and was argued by counsel. On consideration thereof, and the said reports being unexcepted to, it is adjudged, ordered and decreed that the <sup>said</sup> report of said A. M. Goins, Commissioner, and statement therewith be and are hereby confirmed. And <sup>that</sup> Auburn Bishop recover of the defendant, W. J. Mileham, Administrator of N. B. Livingston, deceased the sum of \$25.00 with interest thereon from the 13th day of August, 1901, until paid. The same being adjudged, to be a debt against the said estate, and that the report of James W. Orr Commissioner, and his action therein reported be and are hereby confirmed; and that said commissioner Orr pay out the funds remaining in his hands to the creditors of N. B. Livingston, deceased, on their claims <sup>as</sup> reported by Commissioner Goins, including a fee of \$1.50 to said Goins for his supplemental report. Said commissioner Orr will collect the unpaid purchase money notes executed by F. C. Anderson and W. T. Anderson when due, and after applying a sufficient amount of the funds in his hands, and to come into his hands, to pay the indebtedness of said estate he will pay over any residue in his hands to the guardian of the infant children of N. B. Livingston <sup>Acct.</sup> should such guardian be appointed, and if none shall be appointed and qualified he will report the amount in his hands to the court at some future term. And the cause is continued.



A. J. Baker

vs Decree

J. M. Wilkham Solus  
& et al.

~~Filed Nov 22, 1905.~~

~~H. L. Ewing,~~  
Clerk.

Entered in C.B.

No. 8, page 88-

Enter this decree.

to be as shown

Decr 11 1905.



A. J. Baker,

Plaintiff.

vs.

In Chancery

W. J. Mileham, Admr. &c. et al,

Defendants.

This cause came on again to be heard upon the papers formerly read in the cause, and report of J. W. Orr, Commissioner filed in the cause May 1st, 1905, and was argued by counsel, and said report being unexcepted to, it is adjudged, ordered and decreed that said report and the sales ~~therein~~ reported be and the same are hereby confirmed, and the decree of the last term as to the interest of C. M. Livingston in the lot of land in the said report mentioned is corrected, according to the facts as presented in said commissioner's report. And it is further adjudged, ordered and decreed that said commissioner pay out ~~of~~ the cash in his hands \$259.25 in payment of the costs of this suit and his commission ~~for~~ selling and the residue of \$171.35, he will pay to the said C. M. ~~L~~ivingston widow of the said N. B. Livingston, deceased, as compensation to her for her dower interest in the said real estate sold ny said commissioner. It appearing from the answer of said C. M. Livingston that she is willing to take compensation, and from the report of said commissioner that the said sum is the proper amount due her as compensation for her said dower interest. Said commissioner will collect the purchase money notes when due and report his action hereunder to some furture term of the court. And it being suggested that there are other debts against the said estate of N. B. Livingston deceased not reported by Commissioner Goins, it is further adjudged, ordered and decreed that the said Goins ascertain and report what further debts, ~~if~~ any, remain out standing against said estate that should be paid, and their amounts, and to whom due. And the cause is continued.



A. J. Baker.  
vs Decree to  
Wm J Milham Admr  
re

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Entered in C.B.  
No. 8 - p - 27 -

Paied B. M. Livingston  
\$171.35. Check May 25<sup>th</sup>  
1905.  
Crr.

Enter this decree.

It is so ordered

May 16 1905.



A. J. Baker,

Plaintiff

vs.

In Chancery

W. J. Mileham, Admr. &c. et al,

Defendants.

On motion of the defendant, C. M. Livingston, leave is granted her to file her answer in this cause, and the same is accordingly filed, and thereupon the cause came on to be again heard upon the papers formerly read in the cause, and the answer of the said C. M. Livingston with replication thereto, and the report of A. M. Goins, Commissioner, filed in the cause February 9th, 1905, and depositions and statements therewith, and was argued by counsel. On consideration thereof, and the said report and statements therewith being unexcepted to, it is adjudged, ordered and decreed that the said report and statements therewith, be and the same are hereby confirmed, and that the creditors of the said N. B. Livingston, deceased, recover from W. J. Mileham, administrator of the estate of the said N. B. Livingston, the sums shown to be due them respectively by statement "B" filed with said commissioner's report, and that the plaintiff recover from the said administrator the costs of this suit, and which recoveries in statement "B" are adjudged to be of equal dignity except the recovery in favor of the plaintiff A. J. Baker, which is secured by a deed of trust executed by the said N. B. Livingston and C. M. Livingston his wife, to J. H. Maness, for the benefit of the said Baker, and as to this recovery the same is adjudged to be a prior lien on the said tract of land of 100 acres, more or less in the bill and proceedings mentioned, and it appearing to the court from the report of the said commissioner Goins, and the depositions therewith, that there is no personal estate in the hands of the administrator to pay the outstanding indebtedness of said estate and that the real estate, or a portion thereof, belonging to said estate, will have to be sold to pay the said outstanding indebtedness, together with the costs of this suit, and the court



being of opinion from said report and depositions therewith that it will be advantageous to the widow and infant children of the said decedent that the entire real estate, as shown in said report to belong to the said N. B. Livingston, deceased, be sold, and the proceeds derived therefrom, over and above the sum sufficient to pay the indebtedness, divided between the said infant children and widow of the said decedent according to their respective interests therein, and it further appearing from the answer of the said widow that she is will<sup>ing</sup> and desirous that the said entire real estate belonging to her said husband be sold including her moiety of the five acre lot and dower interest in both tracts. It is adjudged, ordered and decreed, that unless the said indebtedness and the costs are paid within ~~thirty~~<sup>ten</sup> days after the adjournment of this court, then, Jas. W. Orr who is appointed a commissioner for that purpose, will proceed to sell at the front door of the court house of this county, the said two tracts or parcels of land, and in making sale of the 100 acre tract, said Commissioner, will start the same at F. C. Anderson's bid of \$1400.00, and will require enough paid in hand to pay the costs of this suit and expense of sale, together with the amount of the plaintiff's deed of trust, <sup>and</sup> the amount to which C. M. Livingston may be entitled as widow, and as to the residue he will take notes bearing interest from date, due in six and twelve months time respectively. Said commissioner before selling will advertise the time, terms and place of sale for at least ~~thirty~~<sup>twenty</sup> days by written advertisements posted at the front door of the courthouse, and in the vicinity of said land, and will execute bond conditioned according to law in the penalty of \$3,000.00 before the clerk of this court. Said commissioner will report his action hereunder to some future term of the court, and the cause is continued.



A. J. Baker  
vs <sup>5</sup> Deere  
~~for~~ J. Milchano ~~Shun~~  
et al.

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Entered in  
Chancery Order  
Book No. 7  
Page. 57 1/2.

Enter this Deere  
Haw. Shun  
Feb 21 1905.



LEE CIRCUIT COURT.

A. J. Baker,

Plaintiff.

vs.

In Chancery

W. J. Mileham, Administrator &c, et al

Defendants.

~~~~~

This cause came on to be heard upon the bill of the plaintiff and exhibits therewith, the process duly executed on the adult defendants and the answer of the infant defendants by their Guardian Ad Litem, and the replication thereto, and the cause regularly matured at rules, and set for hearing by the plaintiff, and was argued by counsel, and the adult defendants failing to appear, the bill is taken for confessed as to them.

On consideration thereof, it is adjudged, ordered and decreed that A. M. Goins, who is appointed a commissioner for the purpose, do take, state and settle the account of W. J. Mileham, Administrator of the estate of N. B. Livingston, deceased, charging said administrator with all such sums as came into his hands, or should by due diligence have come into his hands, as such administrator, and giving him credit for all proper disbursements made by him, and showing what personal estate, if any, remains in the hands of said administrator that may be applied to the payment of the debts of said estate. Said commissioner will also convene the creditors of said estate and ascertain what out-standing debts remain unpaid, and in whose favor, and also what real estate the said decedent owned at the time of his death that may be subjected to the payment of his debts, and the priority of the debts <sup>in favor of her,</sup> against said real estate. Said commissioner will also ascertain what real estate the defendant, C. M. Livingston owns, and that can and should be subjected to the payment of any indebtedness contracted by her and her husband, N. B. Livingston, deceased, jointly, <sup>or as surety for said decedent.</sup> Said commissioner will give the parties due and timely notice of his sittings, and will report to the next term of this court upon the foregoing matters, and any other facts deemed <sup>or</sup> pertinent by himself, required by any of the parties interested. And the cause is continued.



A. J. Baker.

vs Decree No 1.

W. J. Milham Shur  
et al.

Entered C.P.B.

No. 7, Page 52d.

Enter this Decree.

H.A.W. Shur

Decr 19" 1904.



VIRGINIA,

At a Circuit Court continued and held for Lee County, at the Court-house thereof on Monday the 19th day of December, 1904.

A. J. Baker

Plff.

Vs. In Chancery.

W. J. Nileham, Admr. &c. et al.

Defts.

This cause came on to be heard upon the bill of the plaintiff and exhibits therewith, the process duly executed on the adult defendants and the answer of the infant defendants by their Guardian Ad Litem, and the replication thereto, and the cause regularly matured at rules, and set for hearing by the plaintiff, and was argued by counsel, and the adult defendants failing to appear the bill is taken for confessed as to them.

On consideration thereof, it is adjudged, ordered and decreed that A. M. Goins, who is appointed a Commissioner for the purpose, do take, state and settle the account of W. J. Nileham, Administrator of the estate of N. B. Livingston, deceased, charging said Administrator with all such sums as came into his hands or should by due diligence have come into his hands as such administrator, and giving him credit for all proper disbursements made by him, and showing what personal estate, if any, remains in the hands of said Administrator that may be applied to the payment of the debts of said estate. Said Commissioner will also convene the creditors of said estate and ascertain what out-standing debts remain unpaid, and in whose favor, and also what real estate the said decedent owned at the time of his death that may be subjected to the payment of his debts, and the priority of the debts in point of lien against said real estate. Said Commissioner will also ascertain what real estate the defendant, C. M. Livingston, owns, and that said and should be subjected to the payment of any indebtedness contracted by her and her husband, N. B. Livingston, deceased, jointly or as surety for said decedent. Said Commissioner will give the parties due and timely notice of his sittings and will report to the next term of this Court, upon the foregoing matters, and any other facts deemed pertinent by himself or required by any of the parties interested. And the cause is continued.

A Copy-Teste:

W. H. Ewing Clerk.



A. J. Baker

vs.

W. J. Mileham

\_\_\_\_\_

~~A. M. Lewis~~

Executed this  
Jan. 10<sup>th</sup>, 1905, by  
delivering a copy  
of the within to  
A. M. Lewis,

P. M. Ball  
S. L. C.

\_\_\_\_\_



Depositions.

A.J.Baker, . . . . . Plff.

vs.

W.J.Mileham, Admr. &c., et al., . . . . . Defts.

)  
) In Chy.  
)

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The deposition of A.L.Loyd and L.T.Hyatt taken before me, A.M.Goins, special commissioner in the above styled case, pursuant to notice, at my office in the town of Jonesville, Virginia, to be read as evidence in determination of the questions before me as said commissioner, in a certain suit in chancery pending in the Circuit Court of said county, wherein A.J.Baker is plaintiff, and W.J.Mileham, Admr. &c. et al., are defendants.



2

A.L.Loyd a witness of lawful age, being first duly sworn ~~deposes~~ and says:

Q. State what relation you are to the defendent, C.M.Livingston, and her <sup>and her</sup> and the minor children of her husband ~~N.B.~~ Livingston, deceased.

A. I am her father, and am the grandfather of said children.

Q. Were you present on the day of the sale by W.J.Mileham, Admr., and if, state what the public sale of the property amounted to on that day?

A. I was present, and the sale of the property amounted to \$189.17.

Q. Was there any other property not exposed to sale on that day, which, or the proceeds of which, came into the administrators hands, if so, state what it was and the amount thereof.

A. There was a pair of young mules, <sup>and a second-hand wagon</sup> appraised at \$140, which the widow was permitted to take at the price of the appraisement, and for which she executed a note to the administrator on the terms of the sale, and which note was afterwards paid ~~by~~ <sup>by</sup> me as security for Mrs. Livingston, my daughter, on the 17th day of August, 1908, and for which I have his receipt.

Q. I see <sup>you have</sup> ~~the administrator has~~ filed a receipt before the commissioner for \$101.05, dated March 13th, 1908, by Anderson & Maness, for a store account, ~~for~~ and which perports to have been paid by Cora M. Livingston. Please state anything you may know in regard to this account, its justness &c.

A. Mrs Livingston, my daughter, paid this amount to Anderson & Maness for the estate, and afterwards, on the 17th day of August, 1908, W.J. Mileham, the Admr., paid back to her the sum of \$50, which is credited on the back of the original receipt, the balance of the amount of \$101.05, is due her from the estate, together with its interest. I here file said receipt with my deposition, marked "L". I examined the account of Anderson & Maness against the estate of M.B. Livingston, dec'd, and to my knowledge of the transactions and the purchasing of many of the articles, I am satisfied that the account was correct and just. I know the burial expences, except the coffin, is included in this bill. I file said account along with said receipt "L", also as a part of my deposition.

Q. Are you acquainted with the tract of land owned by N.B. Livingston at the time of his death, and which, or a portion of which, will probably have to be subjected to the payment of his debts, including



the deed of trust in favor of the plaintiff; if so, please state what kind of land it is, its situation, shape and probable value?

A.. I am acquainted with the land. And from my knowledge of the indebtedness I have no doubt but what a portion of it, ~~will~~ and perhaps as much as one-half, will have to be sold subject to the widow's dower, to pay the indebtedness, over and above what the personal estate will pay. The tract lies on Blackwater, Lee County, Virginia, and contains perhaps 115 acres more or less. Said land lies in a narrow strip extending from the top of one ridge to the top of another, across a valley, about 75 acres of which is cleared land, and the balance in scrubby timber not very valuable. The tract is probably worth from \$1200 to \$1500.

Q. Will you please state the age of the widow and minor children, if you know.

A. Mrs. Livingston is 37 years of age; Emmett B. Livingston is 16 years and 6 mos. old; Herbert E. Livingston is near 14 years and 6 mos. old; ~~and~~ Willie L. Livingston is 11 years and 8 mos. old; Claud McKinley Livingston is 7 years and 3 mos.; and Lennise L. Livingston is 4 years old. My understanding is that N.B. Livingston owned the tract of land above referred to. I do not know in regard to the debt of Mr. A.J. Baker, whether it is a joint debt or whether it is the debt of N.B. Livingston, with his wife as security.

Q. State whether or not, in your opinion, it will be to the interest of the widow and infant children that the entire tract of land shall be sold as a whole and <sup>after payment of debts</sup> the proceeds divided between the widow and the heirs according to their interest therein, and that belonging to the infants put at interest for their benefit until they arrive at the ages of 21 years respectively.

A. I think it decidedly to their interest to sell the land as a whole, and that the widow receive her interest, and the amount belonging to the infants, over and above the payment of debts, be kept at interest or invested under the direction of the court in other real estate for their benefit, and this latter course I think should be taken as soon as practicable. *They have no Guardian.*

M.G. Ely, attorney for W.J. Milehas, Admr., and Guardian for the infants <sup>was</sup> ~~was~~ present at the taking of this deposition, but did not wish to cross examine.

And further this deponent saith not.

*A. L. Loyd.*



L.T.Hyatt, a witness of lawful age, being first duly sworn, deposes and says:

Q. Are you acquainted with the tract of land owned by N.B.Livingston at the time of his death; if so state whether or not, in your opinion it would be to the interest of the widow and minor children, in case it will take about half the value of said tract of land to pay the indebtedness of said estate, that the entire tract be sold as a whole, and the proceeds arising therefrom over and above the indebtedness properly distributed, and that belonging to the infants kept at interest or invested in other real estate for their benefit?

A. I am acquainted with the land; it is a part of what is known as the old A.R.Anderson farm; it is a narrow strip lying between the lands <sup>of</sup> F.C.Anderson on the west and the lands of F.J.Wygal on the east. I do not know however the boundaries on the north and south, but my information is that this strip of land runs to the top of the ridges on both sides of the creek. If the indebtedness amounts to anything like half of the value of the land, I think it would undoubtedly be to the interest of the widow and the children to have the ~~whole~~ tract sold as a whole, because if only enough be sold to ~~pay~~ the debts there would not be much ~~value~~ left, and the land is so situated that in my opinion it is not susceptible of division.

And further this deponent saith not.

.....L.T.Hyatt.....

Virginia, Lee County, to-wit:

I, A.M.GOINS, Special commissioner in the above styled cause, do certify that the foregoing deposition were duly taken under oath after notice, and subscribed before me, and at the place above mentioned.

Given under my hand this ..... day of ....., 1905.

.....A.M.Goins.....  
Special commissioner.



.....  
Special Commissioner.

Given under my hand this ..... day of ....., 1902.

above mentioned.

under oath after notice, and subscribed before me, and at the place  
venue, do certify that the foregoing deposition were duly taken

I, V. M. GOINS, Special Commissioner in the above styled

Virginia, Lee County, to-wit:

.....

And further this deponent saith not.

In my opinion it is not susceptible of division.

there would not be much ~~margin~~ left, and the land is so situated that  
tract would be a whole. because it only enough be sold to pay the debt  
it be to the interest of the widow and the children to have the whole  
anything like half of the value of the land, I think it would imdoubt-  
ridges on both sides of the creek. If the indebtedness amounts to  
my information is that this strip of land runs to the top of the  
I do not know however the boundaries on the north and south, but  
lands W. C. Anderson on the west end the lands of P. J. Wyeth on the east.  
the old J. H. Anderson farm. It is a narrow strip lyin between the  
A. J. Baker  
deposited  
W. J. Mahan, Attorney, et al  
entitled or invested in other real estate for their benefit?  
equity properly distributed, and that belonging to the infants kept  
a whole, and the proceeds arising therefrom over and above the debt  
the indebtedness of said estate, that the entire tract be sold as  
case it will take about half the value of said tract of land to  
ion it would be to the interest of the widow and minor children, in  
at the time of his death; it is no state whether or not, in your opin-  
o. Are you acquainted with the tract of land owned by W. B. Livingston  
and says:

P. T. Hyatt, a witness of lawful age, being first duly sworn, deposed



COMMISSIONER'S REPORT.

|                                                 |   |              |
|-------------------------------------------------|---|--------------|
| A.J.Baker, - - - - -Plff.                       | ) |              |
| vs.                                             | ) | In Chancery. |
| W.J.Mileham, Admr. &c., et al., - - - - -Defts. | ) |              |

-----

To the Hon.H.A.W.Skeen, Judge of the Circuit court for Lee County, Virginia:

Your undersigned special commissioner, appointed by decree entered in the above styled cause on the 19th day of December, 1904, after giving notice of the time and place of his sitting, as required by said decree, proceeded on the 9th day of January, 1905, and on succeeding days thereafter up to the present, to comply with the requirements of said decree, and he here reports as follows:

Your commissioner is directed by the aforesaid decree:

(1), To take, state and settle the account of W.J.Mileham, Admr. of the estate of N.B.Livingston, deceased, charging him with all such sums as came into his hands, or should, by due dilligence, have come into his hands, as such administrator, and giving him credit for all proper disbursements made by him, and showing what personal estate, if any, remains in his hands that may be applied to the payment of the debts of said estate;

(2), To convene the creditors of said estate and ascertain what outstanding debts remain unpaid, and in whose favor;

(3), To ascertain what real estate the said decedent owned at the time of his death that may be subjected to the payment of his debts, and the priority of the debts in point of lien against said real estate;

(4), To ascertain what real estate the defendant, C.M.Livingston, owns, and that can be subjected to the payment of any indebtedness contracted by her and her husband, N.B.Livingston, deceased, jointly, or as surety for said decedent; and

(4), To report upon any other matter deemed pertinent by himself, or required by any of the parties interested.

1st, As to the Administration account of W.J.Mileham, Admr. &c.:

Your commissioner files herewith, as part hereof, statement "A", which is a full and complete statement of the administration account of the said W.J.Mileham, as appears from the evidence before your commissioner. As will be seen from this statement there is due the



administrator on settlement of his account the sum of \$35.97, he having paid out that amount, including a commission of 10%, more than came into his hands. In this settlement a part of the vouchers filed before the commissioner by the administrator are without dates, hence the commissioner is unable to calculate interest accurately in this settlement, which would amount to only a very small sum either way, and which he omits altogether; but after striking a balance in this settlement, and ascertaining that there is due the administrator the sum of \$35.97, this sum the commissioner charges to the estate in statement "B", and there gives interest on the said \$35.97 from January 1st, 1904, which as nearly accurate as the commissioner can arrive at in the matter.

2nd, To convene the creditors &c.--

Your commissioner files herewith, as part hereof, statement "B", which is a list of the indebtedness still outstanding against said estate, amounting to \$712.50, as of February 20th, 1905. The first debt reported in this statement is a note in favor of A.J.Baker, of \$500.00, with interest from the 13th day of April, 1901, and amounts to \$615.58, as of February 20th, 1905. This note is signed by both N.B. and C.M.Livingston, and is secured by deed of trust on the tract of land set out by the plaintiff in his bill, and is the first lien in order of priority on said tract. The next debt reported in statement "B", is the balance on an open account of Anderson and Maness, paid by C.M.Livingston, and which is due her, and amount to \$58.49, as of Feb. 20th, 1905. The third and last debt reported in statement "B", is the amount overpaid the administration account by W.J.Mileham, administrator, and amount to \$38.43, as of Feb. 20th, 1905. These debts are all of equal dignity and priority, except the debt of A.J.Baker, aforesaid, which is the first lien in order of priority on the tract of land set out by the plaintiff in his bill.

3rd, To ascertain what real estate the said decedent owned at the time of his death &c.--

Your commissioner ascertains that the said N.B.Livingston, at the time of his death, was the owner <sup>in fee</sup> of the tract of land set out by the plaintiff in his bill, and also a one-half undivided interest in a house and lot of land of about <sup>five</sup> ~~two~~ acres, situated near Black-water post office, the same being the lot or parcel of land conveyed



jointly to the said N.B.Livingston and Sarepta J.Anderson by Lucy Livingston, by deed dated May 1st, 1900, and now of record in the clerk's office of Lee county, Virginia, and these lands are subject to the indebtedness of said estate, <sup>subject to the dower of the widow, except as to the</sup> and said indebtedness is of equal priority against said lands, except the debt of A.J.Baker, which is first in order of priority on the tract first aforesaid.

4th, To ascertain what real estate the defendant, C.M.Livingston, owns &c.---

Your commissioner ascertains that the said C.M.Livingston owns no real estate in her own right, except her dower interest in the real estate aforesaid of her said husband N.B.Livingston, and her dower right in the tract of land first aforesaid is subject to the debt of the said A.J.Baker, the said C.M.Livingston being co-obligor in said note and party to said deed of trust.

5th, To report upon any other matter deemed pertinent by himself, or required &c.---

In this connection your commissioner deems it pertinent for him to state, that, owing to the large indebtedness against this estate, and the necessity of having to sell at least half, if not more, of the real estate to meet said indebtedness, he considers it would be to the interest of the widow and children to sell the whole of the real estate, and, after payment of the indebtedness, to divide the residue between the widow and said children according to their respective interests therein, and the parts going to said infants placed at interest or invested for their benefits until they arrive at the age of 21 years respectively. As will be seen from the depositions herewith, this land is located in such a shape that it would be well nigh impossible to divide the tract, and sell off enough to pay the indebtedness, without greatly injuring the residue of the tract.

And now having reported upon all matters specially referred by the court, deemed pertinent by himself, or required by any of the parties in interest, the commissioner here respectfully submits this report. This February 9th, 1905.

.....*A. M. Lewis*.....

Special Commissioner.



Fee for this Report, \$15 00



In Account with

Dr.

cr.

|       |       |                                                   |    |        |          |
|-------|-------|---------------------------------------------------|----|--------|----------|
| 1908, |       |                                                   |    |        |          |
| May   | 8--To | amt. of sale bill, less sorrel mare to Cora M.    |    |        |          |
|       |       | Livingston, due as of this date, . . . . .        | \$ | 136.67 |          |
| "     | -- "  | Amt. of note of Cora M.Livingston, for mules      |    |        |          |
|       |       | and wagon, due as of this date,. . . . .          | \$ | 140.00 |          |
| "     | --By  | 10% commission allowed Admr. on \$276.67, . . .   |    |        | \$ 27.66 |
| 1902, |       |                                                   |    |        |          |
| May   | 17-   | " Receipt of J.H.Maness, clerk of sale,. . . . .  |    |        | 1.00     |
| 1903, |       |                                                   |    |        |          |
| Mar.  | 17-   | " " W.S.Crowell, coffin for dec'd,. . .           |    |        | 18.82    |
| ---   | ---   | " " B.M.Morgan, clerk, recording sale bill,       |    |        | 1.60     |
| 1903, |       |                                                   |    |        |          |
| Dec.  | 21-   | " " W.M.Hickam, appraiser, . . . . .              |    |        | 1.00     |
| "     | - "   | " " F.C.Anderson, " . . . . .                     |    |        | 1.00     |
| 1904, |       |                                                   |    |        |          |
| ---   | 18-   | " " G.W.Watson, " . . . . .                       |    |        | 1.00     |
| ----  | ----- | " " R.P.Neely, D.Treas., taxes, 1901,             |    |        | 7.06     |
| ----  | ---   | " " Couk, Treas., Corp. taxes, 1903,              |    |        | .59      |
| ----  | ---   | " " F.J.Wygal, doctor bill, . . . . .             |    |        | 58.50    |
| 1903, |       |                                                   |    |        |          |
| Mar.  | 17-   | " " M.G.Ely, Atty., legal services, . .           |    |        | 10.00    |
| Aug.  | 17-   | " " Cora M.Livingston, on acct. of A.& M.,        |    |        | 50.00    |
| "     | - "   | " " A.L.Loyd, on account, . . . . .               |    |        | 132.03   |
| 1904, |       |                                                   |    |        |          |
| Oct.  | 20-   | " " A.M.Ely, Treas., taxes for 1903,..            |    |        | 2.38     |
| ----  | ----  | To amt. Admr. overpaid Est., . . . . .            | \$ | 35.97  |          |
|       |       | AS OF FEB. 20th, 1905, . . . . .                  | \$ | 312.64 | \$312.64 |
|       |       | BY AMT. ADMR. OVERPAID EST., as of 2/20/'05,. . . |    |        | \$ 35.97 |

STATEMENT "A".



57  
The Estate of N.B.Livingston, Dec'd,

In Account with

His Creditors.

---

|                                                                                                                                                                                                           |          |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| To note of N.B. & C.M. Livingston executed to A.J. Baker,<br>April 13th, 1901, payable three years after date,<br>with interest from date, note secured by deed of<br>trust, and for the sum of - - - - - | \$500.00 |          |
| " Int. on same from 4/13/'01 to 2/20/'05, - - - - -                                                                                                                                                       | 115.58   |          |
| To amt. due A.J. Baker, as of 2/20/'05, - - - - -                                                                                                                                                         | \$615.58 | \$615.58 |

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|                                                                                                          |          |         |
|----------------------------------------------------------------------------------------------------------|----------|---------|
| To account of Anderson & Maness, paid by Cora M. Livingston, Mar. 13th, 1903, and now due her, - - - - - | \$101.05 |         |
| " Int. on same from 3/13/'03 to 8/17/'03, - - - - -                                                      | 2.59     |         |
| " Amt. due Cora M. Livingston 8/17/'03, - - - - -                                                        | \$103.64 |         |
| By amt. paid by Admr. on this acct., 8/17/'03, - - - - -                                                 | 50.00    |         |
| To bal. due Cora M. Livingston on this acct. 8/17/'03, - - - - -                                         | \$53.64  |         |
| " Int. on bal. from 8/17/'03 to 2/20/'05, - - - - -                                                      | 4.85     |         |
| To amt. due Cora M. Livingston, as of 2/20/'05, - - - - -                                                | \$58.49  | \$58.49 |

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|                                                                                              |         |         |
|----------------------------------------------------------------------------------------------|---------|---------|
| To amt. overpaid estate by W.J. Mileham, Admr., as<br>per statement "A", herewith, - - - - - | \$35.97 |         |
| " Int. on same from 1/1/'04 to 2/20/'05, - - - - -                                           | 2.46    |         |
| To amt. due W.J. Mileham, as of 2/20/'05, - - - - -                                          | \$38.43 | \$38.43 |

---

|                                                       |  |          |
|-------------------------------------------------------|--|----------|
| TO TOTAL SUM DUE CREDITORS, AS OF 2/20/'05, - - - - - |  | \$712.50 |
|-------------------------------------------------------|--|----------|

---

STATEMENT "B".



NOTICE.

At a Circuit Court for the County of Lee, continued and held  
on the 19th day of December, 1904, at the court-house of said County:

|                                 |             |   |         |
|---------------------------------|-------------|---|---------|
| A.J.Baker,                      | Plaintiff,  | ) |         |
|                                 |             | ( |         |
| vs.                             |             | ) | In Chy. |
|                                 |             | ( |         |
| W.J.Mileham, Admr. &c., et al., | Defendants, | ) |         |

EXTRACT FROM DECREE.

\*\*\*\*\*On consideration thereof, it is adjudged, ordered and decreed that A.M.Goins, who is appointed a commissioner for the purpose, do take, state and settle the account of W.J.Mileham, Admr. of the estate of N.B.Livingston, deceased, charging said administrator with all such sums as came into his hands, or should by due diligence have come into his hands as such administrator, and giving him credit for all proper disbursements made by him, and showing what personal estate, if any, remains in the hands of said administrator that may be applied to the payment of the debts of said estate. Said commissioner will also convene the creditors of said estate and ascertain what outstanding debts remain unpaid, and in whose favor, and also what real estate the said decedent owned at the time of his death that may be subjected to the payment of his debts, and the priority of the debts in point of lien against said real estate. Said commissioner will also ascertain what real estate the defendant, C.M.Livingston, owns, and that can be subjected to the payment of any indebtedness contracted by her and her husband, N.B.Livingston, deceased, jointly, or as surety for said decedent. Said commissioner will give the parties due and timely notice of his sitting, and will report to the next term of this court upon the foregoing matters, and any other facts deemed pertinent by himself, or required by any of the parties interested. \*\*\*\*\*

A copy, Teste:

.....,Clerk.

The parties interested in the decree from which the foregoing is an extract, will take notice that, on the ...<sup>9<sup>th</sup></sup> day of January, 1905, at my office in the town of Jonesville, I shall proceed to execute the same, when and where they are required to attend, with such books, papers, vouchers, and evidence as will enable me to comply with the order of the court. This Dec. 30th, 1904.

.....  
*A. M. Goins*  
Commissioner.



Comptroller

Columbia with the order of the court. JUDGE DEC. 30TH. 1894.  
such books, papers, vouchers, and evidence as will enable me to  
execute the same, when and where they are admitted to attend, with  
those of my office in the form of "consent". I shall proceed to  
in an extract, will take notice that, on the ..... day of January,  
The parties interested in the decree from which the foregoing

Before: 1900, 1900

陳氏曰：此書乃宋人作，其言多與《論衡》合，蓋其書之出，必在《論衡》之後也。

her/his information. \*\*\*\*\*  
other facts derived herefrom, or received by any of the  
other persons mentioned herein, and any

Pff.

A. J. Baker, Plff.  
vs. J. Lin & Co.  
W. J. Mendenhall, Admors., et  
al., Defts.

Comis. Notice for Jan. 9<sup>th</sup> 1905.

Legal service is accepted  
January 24/1905.  
C. W. Lee

Wm. S. Kelly, Esq. Attorney for W. J. Mitchell

THE NEW YORK PUBLIC LIBRARY

Deborah

۸۳.

Tejg. L. A.

5181u115

In Opia.

on the 18th day of December, 1904, at the court-house of said County.  
At a circuit court for the County of Lee, continued and held

NOTICE.



Virginia:

At a circuit court begun and held for Lee County at the Court house thereof on Monday the 11th, day of December, 1905.

W. A. Ownes, et al

Plaintiff.

vs.

In Chancery.

R. G. Livesay, et als,

Defendants.

This cause came on to be again hear upon the papers formerly read in the cause, and the report of J. C. Noel, Commissioner, filed in the cause November 22nd, 1905, and was argued by counsel.

On consideration thereof, and the said report being unexcepted to, it is adjudged, ordered and decreed, that the said report and the action of the said commissioner therein reported, be and the same are hereby confirmed. And pursuant to said report, it is adjudged, ordered and decreed that a rule be, and is hereby awarded against R. G. Livesay, purchaser of the house and lot sold in this cause by commissioner J. C. Noel, and A. R. Surgener his surety, returnable here on the 7th day of the present term to show cause, if any they can, why the said house and lot should not be re-sold to pay the amount of the second purchase money note therefor, which is for Sixty one Dollars and eighty-one cents and which became due and payable Nov. 19th, 1905, with interest thereon from November 19th, 1904, and why a personal decree shall not be rendered against them for the amount of the said purchase money note, together with the cost of this rule, until which time the cause is continued.

*A copy  
Teste: J. C. Noel, Clerk*



Wm A. Cunechal

17. } Copy of Decree

R. H. Livesay et al.

Executed the  
with <sup>to each</sup> by Delia  
decrees <sup>within</sup> of the  
Dec 16<sup>th</sup> day of  
Dec 1905.  
W. B. Short L. B.  
for P. M. Ball & Co

Executed by delivering  
an attested office copy  
of the within decrees  
to R. G. Leung & S. R.  
Furgener, Dec 16/1905.







THIS DEED made this the 1st day of May 1900 by and between Lucy Livingston party of the first part and N. B. Livingston and Sarepta J. Anderson party of the second part, all of the County of Lee and State of Virginia: WITNESSETH: That for and in consideration of the natural love for my only two children to-wit: N. B. Livingston and Sarepta J. Anderson and my desire to be released from the burden of careing for the following tract of lands in my feeble health and the sum of twenty five dollars (\$25.00) cash in hand paid the receipt of which is hereby acknowledged(And it is further agreed that the partys of the second part doth covenant and bind themselves to care for me in my old days with bed and board &c, and a vendors lien is hereby retained for the compliance with this clause) I the party of the first part doth sell convey and deliver to the parties of the second part all of two certain lots land one of which was conveyed to me by W.M. Hickam & wife the other by E. S. McPherson & wife lying on both sides of Blackwater Creek and bounded as follows Beginning on the W. Bank of the road near J. H. Maness' on a black oak thence Northwardly with the road to a small white oak just a fiew feet from the road marked with a knife, thence westwardly crossing the Creek passing a sycamore marked as a fore and aft tree to a line known as the old cornright line now known as the Samuel Robinett line, thence with said line Southwardly to the road thence eastwardly with said road crossing the creek to S. R. Robinett's corner thence Northwardly with the main road to the beginning containing five acres be the same more or less. To have and to hold the same together with its appurtenances and fixtures both seen and unseen and I the party of the first part doth covenant and agree to, and with the said party of the second part that I am lawfully seized of said premises and have a good right to sell and convey the same and will warrant generally the title herein conveyed to the said party of the second part to them their heirs and assigns forever.

Witness my hand and seal day and date above written.

Lucy Livingston (Seal)

State of Virginia, Lee County:

I Abraham Surgener, notary public in and for said County do certify



that Lucy Livingston, whose name is signed to the foregoing deed of conveyance, bearing date May 1st, 1900, personally came before me in my County and acknowledged her signature to said instrument, for the purpose set forth therein.

Given under my official signature, this 2nd day of May 1900.

Abraham Surgener N. P.

Virginia, Lee County, to-wit:

In the Office of the Clerk of the County Court for said County the 19th day of September 1900. This deed was presented, and together with the certificate thereto annexed, admitted to record at 11 o'clock A. M.

Teste: B. M. Morgan Clerk.

A Copy-Teste: *H. T. Ewing* Clerk.



Lucy Livingston

to

N. B. Livingston clerk

Clerk. 60¢



Virginia, Lee Co. to-wit:

To R. L. Pennington, Commissioner for the County Court of Lee County.

We the undersigned appraisers after being duly sworn proceeded to appraise the personal property of N. B. Livingston, deceased, on this the 8 day of March 1902, as follows, to-wit:

|                                    |          |
|------------------------------------|----------|
| One 2-Horse Plow-----              | \$6.00   |
| One 2-Horse Harrow-----            | \$2.00   |
| One 1 H -----                      | \$0.50   |
| One duble shovel plow . . . . .    | \$0.25   |
| One sled.....                      | \$0.50   |
| One lot of old irons.....          | \$1.00   |
| One Mule Colt . . . . .            | \$35.00  |
| One Lot of Machine hubs... . . . . | \$0.50.. |
| One Bryer Scythe . . . . .         | \$0.75   |
| Three Single-trees . . . . .       | \$0.25   |
| One Spade.....                     | \$0.50   |
| One Corn Planter . . . . .         | \$0.50   |
| One Grind Rock.....                | \$0.50   |
| Two Cross-Cut files.....           | \$0.15   |
| One Corn Crusher.....              | \$2.50   |
| One Shot Gun.....                  | \$11.00  |
| One Cross-Cut Saw.....             | \$3.00   |
| One lot of Ash Lumber . . . . .    | \$1.00   |
| One 2-Horse Cultivator . . . . .   | \$1.00   |
| One 1-Horse -.....                 | \$0.50   |
| Two Mules.&.Wagon.....             | \$40.00  |
| One Bay Mare.....                  | \$65.00  |
| One Seed Sower . . . . .           | \$0.35   |
| One 2-Horse Plow . . . . .         | \$0.25   |
| One Grain Shovel . . . . .         | \$0.65   |
| One Grain Cradle . . . . .         | \$0.30   |
| Two Boxes . . . . .                | \$0.40   |
| One Cuten Knife . . . . .          | \$0.25   |
| One Saddle . . . . .               | \$0.75   |



One Ribet Clincher ... ..\$0.50..  
One Pair of Streathers ... ..\$0.65

G. M. Watson

W. M. Hickam

F. C. Anderson

Virginia, Lee County, to-wit:

In the Office of the Comr. of Accounts for the County Court the foregoing appraise bill of the estate of N. B. Livingston was presented on the 25th day of July 1902 & being found in due form is hereby approved for record.

Given under my hand this the 25th day of July 1902.

R. L. Pennington, Comr.

Virginia, Lee County, to-wit:

In the Office of the Clerk of the County Court for said County the 1st day of August, 1902. The foregoing appraise Bill was presented, and admitted to record.

Teste: B. M. Morgan, Clerk.

A Copy-Teste: He T. Curing Clerk.

Copied from Will Book #4 page 533 etc.



N. B. Livingston  
Appraiser Bill

Copy

Clark 60¢



To Robt. L. Pennington, Comr. of Accts. for the County Court for  
Lee Co. Sale Bill of the personal property of N. B. Livingston,  
dec'd, made May 8, 1902.

|                 |                                  |      |                |
|-----------------|----------------------------------|------|----------------|
| A. L. Loyd      | 1 grain shovel                   | pd.  | \$0.60         |
| J. F. Glass     | 1 Spade...                       |      | \$0.39 1/2     |
| W. A. Owens     | 1 Corn Planter                   |      | \$0.25         |
| F. J. Wygal     | 1 Seeder                         |      | \$0.30         |
| J. H. Maness    | 1 rivet set                      |      | \$0.80         |
| W. A. Owens     | 1 Saddle .....                   |      | \$1.25         |
| J. H. Maness    | 1 Sled & Irons                   |      | \$0.50         |
| W. A. Owens     | 1 Saw                            |      | \$2.95         |
| J. F. Glass     | 1 Bush Scythe & Swath            |      | \$0.80         |
| F. J. Wygal     | 2 Boxes                          |      | \$0.15         |
| W. A. Owens     | 3 Single-trees                   |      | \$0.25         |
| Hampy Wallen    | 1 Turning Plow                   |      | \$6.00         |
| J. L. Glass     | 2 Harrow                         |      | \$1.47 1/2     |
| J. R. Willis    | 1 Double Shovel                  | pd.  | \$0.50         |
| A. L. Loyd      | 1 Plow stock                     |      | \$0.60         |
| R. P. Neely     | 1 Harrow                         | pd.  | \$0.25         |
| W. A. Owens     | 1 Cutting Knife                  |      | \$0.35         |
| F. J. Wygal     | 1 Mule Colt                      |      | \$36.00        |
| W. E. Glass     | 1 Bay Mare                       |      | \$65.25        |
| Frank Greer     | 1 Shot Gun                       | Note | \$10.35        |
| A. L. Loyd      | 1 Pr. of Stretcher & Single tree |      | \$0.80         |
| W. A. Owens     | 1 Grain Cradle & Scythe          |      | \$0.50         |
| Andy Lawson     | 1 GrindStone                     | pd.  | \$0.40         |
| Morrison Slagle | 1 Crusher                        | pd.  | \$5.00         |
| J. H. Maness    | 1 Cultivator & turning plow      |      | \$0.50         |
| J. H. Maness    | Lumber                           |      | \$0.35         |
| F. J. Wygal     | Old Wagon Wheels                 |      | \$0.10         |
|                 |                                  |      | <hr/> \$136.67 |
| Cora Livingston | 1 Sorrel Mare                    |      | <hr/> \$52.50  |
|                 |                                  |      | <hr/> \$189.12 |

W. J. Mileham, Admr.

Virginia,



N. B. Livingston  
Sale Bill

Copy

Clerk 60¢



Virginia, Lee County, to-wit:

In the Office of the Comr. of Acts. for the County Court for Lee County, the foregoing sale bill was filed Sept. 9, 1902 & being found in proper form is hereby approved for record, this Sept. 9, 1902.

Robt. L. Pennington, Comr. of Acts.

Virginia, Lee County, to-wit:

In the office of the Clerk of the County Court for said County, the 15th day of October, 1902. This sale bill was presented and admitted to record.

Teste: \_\_\_\_\_ Clerk.

A Copy-Teste: H. L. Towing, Clerk.

Copied from Will Book No. 4, page 549 & 550.



# TIME BOOK for the

NAME

1 2 3 4 5 6 7 8 9 10 11 12 13 14

\$16.02 Received of W. J.  
 William Adams of the  
 Nottingham State  
 Light & \$82.00 for one  
 Paffine.

1903.

this March the 17th  
 W. J. Cornell



#  
Vouchers  
of  
W. J. Milham  
Admin of  
Est of N. B.  
Livingstone  
#

A. M. GOINS,  
ATTORNEY AT LAW,  
JONESVILLE, VIRGINIA.



\$100 Received of W. J. Milham  
adms of M. P. Livingston's Estate  
for services as appraiser  
this 1 June 18th 1804  
G. M. Watson



\$1500 +

Received of W. J. Milham  
Admrs. of N B Livingston  
Estate. One dollar as  
appraiser. This Dec 21st  
1903 W M Hickam

\$1500 Received of W. J. Milham  
Admrs. of N B Livingston  
Estate One dollar as  
appraiser This Dec 21st  
1903. F. L. Anderson



29

30

31

32

H. J. Milham Adm. N. B. Livingston Est.

To ex. order, - 60 According Sale bill 1.00 \$ 1.60

Received Payment B. M. Morgan *Chas*

Per D. B. Byington C L C



ham

20

4

3

2

1



*Michael W. Adams River Station*  
**CORPORATION TAX.**

To *3* Town of Jonesville, Virginia, Dr.

TAXES FOR 190*3*

|                             | VALUATION.    | RATE.                   | AMOUNT.   |
|-----------------------------|---------------|-------------------------|-----------|
| PERSONAL PROPERTY . . . . . | \$ <i>189</i> | <i>30</i> CTS ON \$100. | <i>56</i> |
| REAL ESTATE . . . . .       | \$            | — CTS ON \$100.         |           |

Total . . . . . \$ *03*

Penalty . . . . . \$ *59*

Received payment, this the \_\_\_\_\_ day of \_\_\_\_\_, 190*3*

*C. W. Adams*, Treasurer.



Mr. *N B Livingston* *R W*, Jonesville District No. 3.

To E. S. FLANARY, Treasurer Lee County, Virginia, Dr.

| No. P               | No. L      | 1901 | State Tax 30  | St'e sch'l tax  | Co. Levy 25   | Road Tax 25   | Co. sch'l tax   | Dis Schl tax    | TOTAL AMT         |
|---------------------|------------|------|---------------|-----------------|---------------|---------------|-----------------|-----------------|-------------------|
|                     |            | Val. | cts. on \$100 | 10 cts on \$100 | cts. on \$100 | cts. on \$100 | 10 cts on \$100 | 10 cts on \$100 | OF TAXES.         |
|                     |            |      | \$1 00        |                 | 50            |               |                 |                 | <del>\$1 50</del> |
| Head Tax            |            |      |               |                 |               |               |                 |                 |                   |
| Per. Prop.          |            |      |               |                 |               |               |                 |                 |                   |
| No. <i>3</i> Tracts |            |      |               |                 |               |               |                 |                 |                   |
| <i>113</i> Acres    | <i>610</i> |      | <i>1 85</i>   | <i>61</i>       | <i>1 55</i>   | <i>1 55</i>   | <i>61</i>       | <i>61</i>       | <i>6 72</i>       |
| Lots                |            |      |               |                 |               |               |                 |                 |                   |
| TOTAL               |            |      |               |                 |               |               |                 |                 | <i>6 72</i>       |
| 5 per cent pen'ty   |            |      |               |                 |               |               |                 |                 | <i>54</i>         |
|                     |            |      |               |                 |               |               |                 |                 | <i>7 06</i>       |

Received Payment, *R P Kealey*, D. Treas.





Jonesville Va Aug 17 1903

from H. J. Milham Adm &c

Fifty + 00 / 100

Dollars

On advance made by Cora M. Livingston,  
Ston, on acct Maness & Anderson -

Cora M. Livingston

By A L Loyd,





\$10<sup>00</sup>

March 14<sup>th</sup>

1903

from W. J. Michelson admr of M. B. Livingston dec  
Ten Dollars

for legal services rendered

M. Y. Ely atty



Mr *H. J. Mileham* Adm for *N. B. Livingstone*, Jonesville Dist. No. 3.

To E. S. FLANARY, Treasurer Lee County, Virginia, Dr.

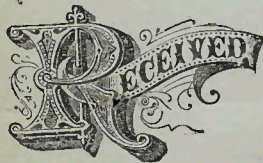
| No. P 40 No. L 31 1903 |      | State Tax 30  | St'e schl tax   | Co. Levy 35   | Road Tax 30   | Co. sch'l tax   | Dis Schl tax    | TOTAL AMT |
|------------------------|------|---------------|-----------------|---------------|---------------|-----------------|-----------------|-----------|
|                        |      | cts. on \$100 | 10 cts on \$100 | cts. on \$100 | cts. on \$100 | 10 cts on \$100 | 30 cts on \$100 | OF TAXES. |
| Head Tax               | Val. | \$1 00        |                 | 50            |               |                 |                 | \$1 50    |
| Per. Prop.             | 189  | 47            | 19              | 64            | 54            | 19              | 19              | 226       |
| No. Tracts             |      |               |                 |               |               |                 |                 |           |
| Acres                  |      |               |                 |               |               |                 |                 |           |
| Lots                   |      |               |                 |               |               |                 |                 |           |
| TOTAL                  |      |               |                 |               |               |                 |                 | 226       |
| 5 per cent pen'ty      |      |               |                 |               |               |                 |                 | 12        |

Received Payment, *Oct 20, 1904, A M Ely, D.* 238  
Treas.



No. ....

Jonesville, Va., May 17 1902



of W. J. Milham Adminr

Assr &

80 Dollars,  
100

for 1 days clerk at sale  
of personal property of W. B. Livingston Decd

J. H. Maness

Circuit Court Clerk for Lee Co.



BOATRIGHT JOB OFFICE, GATE CITY, VA.



N. B. Livingston's Est,

To, A. L. Loyd, D<sup>r</sup>

For Pasturing 2 mules from  
April 24<sup>th</sup> 1901, to Nov. 24<sup>th</sup> 1901.

7 months @ 1<sup>00</sup> Ea, \$14.00

One mare and Colt 5 months

at 1<sup>25</sup> pr month 6.25

Feeding 4 head of horses from  
Hay & Corn, from Nov. 24<sup>th</sup> to  
March 8<sup>th</sup> 1902, = 416 days.

at 16<sup>2</sup>/<sub>3</sub>¢ pr day - \$ 69.32

20 bus sud wheat @ 80¢ 16.00

Cash pd Anderson & Tester -

- man B<sup>rs</sup> for act 3.12

Cash pd J. R. Gibsontons<sup>act</sup> 3.34

" " E Flannery, for season  
of mare, = 5.00

Cash to wife for family use, 15.00

\$132.03



Sworn to before me by A.L. Loyd  
this the 16<sup>th</sup> day of August 1903  
A.B. Munsey C.C.

Virginia Lee County, to-wit  
This day <sup>personally</sup> appeared before me  
A.B. Munsey Clerk of the Circuit  
Court for Lee County, Va. R. P.  
Horton and made oath that he  
personally knows the fact that A.L.  
Loyd pastured the stock charged  
for in the above account at  
~~Wm. A. F. Letcher's~~  
Wm. A. F. Letcher's.

this the 16<sup>th</sup> day of Aug 1903  
A.B. Munsey C.C.

A.L. Loyd

cc of \$132.03

W.E. Thompson



Pennington Gap Va.  
Jan'y 31/05,

J. H. Orr, Esq

Dear Sir:-

Your letter  
in reference to Mr Mileham's, claim  
as to the payment of the \$140.<sup>00</sup> note  
of Mr<sup>r</sup> Livingston rec<sup>d</sup>. You will find  
in the papers filed in hands of Mr Goins,  
a certified acct, which was due me  
from N. B. Livingston, amounting to  
\$131.<sup>22</sup>, this sum was deducted from  
the \$140.<sup>00</sup> note, on the same day of this  
transaction, Aug 19<sup>th</sup> 1903, Mr Mileham  
gave me Chk, on Fowels Valley Bank for  
\$41.<sup>72</sup>, and I assumed to pay, & did pay  
Mr<sup>r</sup> Livingston \$82.<sup>8</sup>, this being balance  
due on \$140.<sup>00</sup> note, this sum + the \$41.<sup>72</sup>  
check making \$50.<sup>00</sup> refunded to Mr<sup>r</sup> Livingston  
on the Moness & Anderson, Order for \$100.<sup>00</sup>,  
which sum is Credited on back of



2  
-said order, bearing date Aug 19<sup>th</sup>  
1903. You will also find this order  
filed with Mr Gaines. This is the  
only payment that has ever been  
made to Mrs Livingston, & was made  
exactly as stated herein, & the \$140<sup>00</sup>  
note was also discharged in the way  
herein stated. Mr Milham could not  
find the note, on the day of this transaction  
and has not so far as I know done so yet,  
but I hold his receipt for the payment of  
the note, on the day mentioned, Aug 19/03.  
Mr M. G. Ely, knows this statement to be  
correct, from the fact, that his attention  
was called specialy, to this transaction  
& payment being made in the absence of  
the note. With this explanation, I hope  
it will not be necessary for me to  
have to go to further on this account.  
In the event it should be, notify me & I  
will attend. Yours very truly  
A. L. Lloyd.



W. J. Milburn Admr  
et al





N B Livingston Dr,  
To F. J. Wygal M.D. for medical  
services rendered in his family  
Beginning Oct 18 1901 two cases



\$46.50

Virginia Lee County to wit  
This day personally appeared before  
me the undersigned and made  
oath in due form of law that the  
above Services were rendered and that  
the same remains unpaid.

J. J. Wyzal  
Clerk of the Court

Sworn to before me this March 8<sup>th</sup> 1902

W. H. Adams N.P.



Twenty five visit up to Nov. 23  
of same year \$ 25.00

|                 |   |      |      |
|-----------------|---|------|------|
| To Prep Dec 21. | 1 | case | 50   |
| To Visit " 24   | 1 | "    | 1.00 |
| To " " 25       | 3 | "    | 2.00 |
| To " " 27       | 3 | "    | 2.00 |
| To " " 30       | 3 | "    | 2.00 |
| To " " 31       | 3 | "    | 2.00 |
| To Jan. 1       | 3 | "    | 2.00 |
| To " " 2        | 3 | "    | 2.00 |
| To " " 3        | 3 | "    | 2.00 |
| To " " 4        | 3 | "    | 2.00 |
| To " " 5        | 3 | "    | 2.00 |



|    |      |        |         |      |      |
|----|------|--------|---------|------|------|
| To | W.S. | Jan. 4 | 3 cases | 2.00 |      |
| To | "    | "      | 7       | 8 "  | 2.00 |
| To | "    | "      | 10      | 3    | 2.00 |
| To | "    | "      | 12      | 3    | 2.00 |
| To | "    | "      | 15      | 2    | 1.50 |
| To | "    | "      | 19      | 2    | 1.50 |
| To | "    | "      | 22      | 2    | 1.50 |
| To | "    | "      | 27      | 2    | 1.50 |



\$701 <sup>05</sup>/<sub>100</sub>

Mar 13 <sup>th</sup>

1913



Received of Dora M. Livingston  
One Hundred & one <sup>05</sup>/<sub>100</sub> Dollars

in full of acct. against R.B. Livingston  
+ ccd. A certified acct of same date is hereto attached.

No

Anderson Mannes

for Mannes



Let The within  
rect. with - \$50.00  
Aug 17<sup>th</sup> 1903 -

"L"



Estate of N.B. Livingston Decd  
vs Anderson & Mann

Dr

To deliver Merchandise Rendered \$10105.  
from Apr. 15-1901 to March 13-1902  
this Mon 12-1903 Anderson & Mann  
By J. H. Mann

Personally came before me, J. M. Barker  
a Justice in and for Scott Co. Va.,  
J. H. Mann of the firm of Anderson & Mann  
and made oath, that the above account is  
just and unpaid this March 19-1903

J M Barker J.P.



Account V.S.  
N.B. Livingston Dred

---

To

Anderson & Munroe



\$500<sup>00</sup>

Three years from date we promise  
to pay to the order of A. J. Baker the  
just and full sum of five hundred dollars  
with int. from date for value rec'd and for which amt.

A deed of trust has this day been executed  
to secure the payment of said debt. And  
we each waive as to this debt all exemp-  
tion laws. Given under our hands  
and Seals. This April 13<sup>th</sup> 1907.

N. B. Livingston Seal  
C. M. Livingston Seal

Attest W. A. Owens





N.B. Livingston & others

To } note \$5000

A. J. Baker



~~The Jonesville Star,~~  
~~JONESVILLE, VA.~~

Claims vs Est of A.B.  
Livingston Decd.



Received of F. C. Anderson  
Six hundred and eighteen  
dollars & fifty eight cents  
The Mount V. held against  
The N. B. Livingston land  
May 6<sup>th</sup> 1905 - A. J. Baker



A. J. Baker,

Plaintiff

Vs.

In Chancery

W.J.Mileham, Admr. &c. et al,

Defendants.

The undersigned commissioner in this cause respectfully reports, that pursuant to the decree entered therein, on the 21st, day of February, 1905, he proceeded at the front door of the court-house of this county on the first day of April, 1905, to sell to the highest bidder the tract of land of 100 acres more or less in the bill and proceedings mentioned; also the interest of N. B. Livingston deceased, in the house and lot of land in said bill and proceedings mentioned containing some two or three acres, and which lot was owned by the said N. B. Livingston, deceased, and Serapta Anderson jointly. The sale of these two tracts were made upon the terms prescribed in said decree, and were made free from dower, C. M. Livingston, the widow of N. B. Livingston, deceased, agreeing to take compensation for her dower interest in said lands. The 100 acre tract was offered for sale first, and was started at the proposed bid of \$1400.00 by F. C. Anderson, and no person offering any greater sum for said tract the same was knocked off to him at that price. And pursuant to the terms of said decree your commisssioner required the said purchaser to pay down the sum of.....\$877.83

Being cost \$50.90

Baker's deed of trust 618.58

Commissions on sale 37.00

Widow's dower interest  
she being 37 years old 171.35  
\$877.83

\$877.83

*Only \$259.25 being paid your Court.*

*This was paid to A. J. Baker  
See his receipt  
to Anderson.*

And for the residue of \$522.17 the purchaser executed his two notes each for \$261.08 1/2 due in six and twelve months time, respectively and bearing interest from date. This sale your commissioner considers <sup>at</sup> a fair price and recommends a confirmation thereof.



2.

The undivided one-half interest in said house and lot being offered free from dower, the said widow proposing to take compensation for her interest therein was knocked off to W. T. Anderson at the price of \$60.00. Said purchaser paid to your commissioner \$3.00, his commissions on the sale, and for the residue of \$57.00 he executed his two notes with H. C. Anderson security, due in six and twelve months time. Your commissioner supposes that this sale was at a fair price, as said lot is not very valuable, and he recommends a confirmation thereof.

Yours commissioner has ascertained that there is a mistake in the said decree of February 21st, 1905, as to the interest of C. M. Livingston, widow of N. B. Livingston, deceased in the house and lot, the decree seeming to state that she was the owner of a moiety of the said lot, and dower in the other moiety, but she was not the owner of any interest in said lot except her dower interest in the moiety thereof which belong to her said husband N. B. Livingston, deceased, consequently in making said sale your commissioner only sold the moiety or undivided interest owned by the said N. B. Livingston, deceased, and sold the same free from dower, she being willing to take compensation for her dower interest; and she being thirty-seven years of age, and the funds arising from said sale being \$57.00, according to the Annuity Table her interest in the said fifty-seven dollars is \$14.08, and she will be entitled to this sum, together with the interest thereon when the purchase money is paid.

All of which is respectfully submitted.

To the Hon. H.A.W. Skeen, Judge of the  
Circuit Court for Lee County, Va.

*James H. Orr, Clerk*



A. J. Baker.

vs. Report of Sale.

J. J. William et al.

---

Filed May 1, 1905.

J. H. T. Curing.  
Clerk.

W. L. Anderson's first note  
paid Oct 1<sup>st</sup> 1905. \$29.36

A. B. Anderson's first note  
paid Oct 4<sup>th</sup> 1905. \$268.73

W. L. Anderson's 2<sup>nd</sup>  
note for 1<sup>st</sup> 1906 \$30.20

A. B. Anderson on  
last note for 4/1906 - 100.00

J. L. Anderson's 2<sup>nd</sup> check  
bal. all notes for 1906 176.80



Thirty days after date  
I promise to pay  
Suburn Bishop  
\$25-00 Twenty five doll-  
ars. for value received  
of him. This July 13<sup>th</sup>  
1801

N. B. Livingston



J. W. & W. E. ORR  
GENERAL MERCHANDISE

MANUFACTURERS AND DEALERS IN

HIGH GRADE ROLLER FLOUR

J. E. S. Bishop, do solemnly swear, that the note hereto  
attached purporting to be signed by N. B. Livingston and ex-  
- ecuted to Auburn Bishop, July 13th 1901, for Twenty Five  
- dollars due in thirty days, is in my opinion in the hand  
writing of said Livingston and signed by him, I am well  
acquainted with said Livingston's hand writing, and have  
no doubt the said note is unpaid, so help me God,

JONESVILLE, VA.

April 29" 1905-

E S Bishop

Sworn to and subscribed before me, April 29" 1905-

James W Orr, Court in  
Chancery Lee circuit court.



Julius Bishop  
late &c.

#

|                               |                |
|-------------------------------|----------------|
| Principal,                    | \$25.00        |
| Dut from 8/13/01 to 12/13/05; | 6.50           |
| Total as of 12/13/05;         | <u>\$31.50</u> |

#

"No."



COMMISSIONER'S SUPPLEMENTAL REPORT.

A.J. Baker, - - - - - Plff. )  
vs. ) In Chv.  
W.J. Mileham, Admr. &c., et al., - - - - - Defts. )

To the Hon. H.A.W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Your undersigned Special Commissioner, who was by decree entered in the above styled cause on May 16, 1905, directed to "ascertain and report what further debts, if any, remain outstanding against said estate that should be paid, and their amounts, and to whom due," begs leave to report that he ascertains no additional debts to those reported in his former report, except a note executed by N.B. Livingston to Auburn Bishop, on July 13th, 1901, payable 30 days after date, for \$25.00. (See note and calculation filed herewith as part hereof, marked "N"). This note your commissioner considers a proper charge against said estate, and he here reports same, as follows:

|                                                       |         |
|-------------------------------------------------------|---------|
| Principal of note to Auburn Bishop, - - - - -         | \$25.00 |
| Int. on same from 8/13/'01, to 12/13/'05, - - - - -   | 8.50    |
| TOTAL ADDITIONAL INDEBTEDNESS TO FORMER REPORT, - - - | \$33.50 |

Respectfully submitted, this Nov. 15, 1905.

*A. M. Goins,*

Commissioner.

Fee for this Report, \$ 1.50

Fee charged to \_\_\_\_\_

I, A.M. GOINS, Special Commissioner in the above styled cause, do hereby make oath that I was diligently employed not less than 2 hours, in performing the services for which the fee above stated is charged, and do so certify, this 15<sup>th</sup> day of Nov., 1905.

*A. M. Goins,*

Special Commissioner.



A. J. Baker  
vs. { Supplemental Report.

W. J. Mileham Admr. &c.

---

Filed Nov. 15<sup>th</sup>, 1905,

H. E. Tewing Clerk.

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Comr's fee, \$1<sup>50</sup>.



A. J. Baker,

Plaintiff

vs.

In Chancery

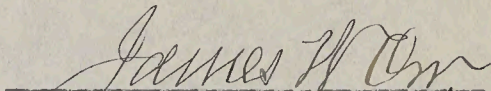
W. J. Mileham, Admr. &c. et al.

Defendants.

The undersigned commissioner in this cause respectfully reports that since the decree entered therein May 16th, 1905, and pursuant thereto he has paid out the cost in his hands as such commissioner amounting to \$50.90, and he has retained in his hands a commission on the sales made by him of the \$100.00 acre tract amounting to \$37.00, and also the commission of \$3.00 on the sale of the interest of N. B. Livingston and wife in the house and lot, and as directed by said last mentioned decree, <sup>He</sup> on the 25th day of May, 1905 paid to C. M. Livingston, widow of N. B. Livingston, deceased, \$171.35 the same being her dower interest in the said 100 acre tract. Since these disbursements, and on the first day of October, 1905, W. T. Anderson the purchaser of the interest sold in the house and lot paid to your commissioner his first due note, which amounted them to \$29.35, and on <sup>or about</sup> the 1st day of Oct, 1905, F. C. Anderson the purchaser of the 100 acre tract paid to your commissioner <sup>or</sup> \$268.93 the amount of his first purchase money note, that became due October, 1st, 1905. These sums amounting to \$\_\_\_\_\_, are in the hands of your commissioner subject to the order of the court. <sup>except as to \$14.08 paid Orr & Noel</sup> Of the \$29.35 paid your commissioner by W. T. Anderson, C. M. Livingston widow of N. B. Livingston, deceased, is entitled to \$14.08, the ~~the~~ value of her dower interest in the moiety of the house and lot sold by your commissioner <sup>or</sup> to said Anderson, and this sum of \$14.08, your commissioner has paid over to Orr & Noel, Attorneys for C. M. Livingston. The residue of the said two sums after paying the widow the said \$14.08 and which residue amounts to the sum of \$284.20 will be to apply to the payment of the debts against the estate of N. B. Livingston, deceased, or at least to the extent of said indebtedness, and any balance remaining of said sums together with the purchase money



notes on F. C. Anderson and W. T . Anderson, and which have not yet been paid will be, after the payment of said debts, for the benefit of the infant children of the said N. B. Livingston, deceased. And your commissioner respectfully suggests that there should be a guardian appointed for the said infants, or a receiver, to take charge of the said funds and keep the same at interest for said infants until they arrive at the age of twenty one years.

  
COMMISSIONER

To the Hon. H. A. W. Skeen, Judge of the Circuit  
Court for Lee County, Virginia.



A. J. Baker.

vs. Cairn Orr's Report

Wm J. Milcham, Schur  
4c et al.

---

Filed Nov 22<sup>nd</sup> 1905.

J. H. T. Ewing,  
Clerk



A. J. Baker,

Plaintiff.

vs.

In Chancery.

Wm. J. Mileham, Admr. et al

Defendants.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court  
of Lee County, Virginia.

The undersigned commissioner in this cause respectfully  
reports, that pursuant to the decree entered therein at the last  
term, ~~he~~ has disbursed out of the sum of \$284.20 shown by ~~said~~ *his*  
report filed November 22nd, 1905, to have been then in his hands,  
to ~~the~~ creditors of the estate of N. B. Livingston, deceased,  
as follows:

|                                              |           |
|----------------------------------------------|-----------|
| To W. J. Mileham, Admr. &c. Dec. 14th, 1905. | \$40.23   |
| To Auburn Bishop Dec. 18th, 1905?            | 31.50     |
| To Cora M. Livingston Dec. 27, 1905.         | 61.17     |
| To A. M. Goins, <i>Cour</i> " " "            | 1.50-     |
|                                              | \$134.40. |
| To tal/ disbursements.                       |           |

Leaving in my hands of said sum of \$284. 20 the sum of \$149.80  
This sum remaining in my hands is going to the children and heirs of  
N. B. Livingston, deceased, and for whom there should be a guardian  
appointed to take charge and keep the same at interest for their  
benefit.

There are two purchase money notes yet unpaid, one on F. C.  
Anderson and E. H. Anderson for \$261.08 1/2 due and payable April  
1st, 1906, with interest from April 1st, 1905; the other on W. T.  
Anderson and H. C. Anderson for \$28.50 due and payable April, 1st,  
1906, ~~and~~ with interest from April 1st, 1905. This money when col-  
lected will also be going to said children and heirs of N. B. Living-  
ston, deceased.

*James W. Orr. Cour.*



A. J. Baker.

08 { Camr Orr's Report.

<sup>13</sup> H. J. Milham Shurt. et. al.

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Filed Feb 10th 1906,

H. T. Ewing,  
Clerk.



Deener \$14.08  
 Debt 61.17  
 \$75.25  
 Fees 15.00  
 \$60.25

Received of James W Orr, Commissioner in  
~~Chancery~~ in the Chancery cause A. J. Baker  
 against W. J. Nileham Schur & et al.  
 Sixty +  $\frac{25}{100}$  dollars, amount due me an  
 debt against the estate of V. B. Livingston decd,  
 reported by Court A. M. Gains, also the amt  
 of my former interest in the house and lot  
 sold by said Court, after Orr & Vacl retain-  
 ing \$15.00 their fee. This Decr 27<sup>th</sup> 1905.

Cora. M. Livingston



Card M Livingston

Lo { Rept \$60.25-

James W Orr. Comr.



Received of James W Orr, Commissioner, in  
the chancery cause of A. J. Baker vs  
Wm J. Milham Schure. et al. Thirty  
and ~~50~~<sup>50</sup> dollars the amount of the  
debt, allowed me by Court in said  
cause, Orr & Vall retaining \$1.57 their  
Commission as attys for collecting said  
debt. Decr 18th 1905.

Auburn Bishop  
Per E. S. Bishop



Received of James H Orr, Commissioner  
in the Chancery Cause of S. J. Baker vs  
Wm J Milham Schur &c. et al Party  
dollars & 23 cents, the amount found  
by Court to be due me on account  
of my having overpaid my liability as  
Schur. of B. Livingston decd.  
Decr 14<sup>th</sup> 1905.

W. J. Milham,



Wm J. Williams  
205 Rept of 40.28  
James W. Orr. Comr.



A. J. Baker,

Plaintiff.

vs.

In Chancery.

WM. J. Mileham, Admr. et al,

Defendants.

The undersigned commissioner in this cause respectfully reports that since the last term of the court he has collected from F. C. Anderson and W. T. Anderson the balance of the purchase money due from them for the real estate sold in this cause respectively, and his accout in the cause new stands as follows:

|                                                                         |                                   |
|-------------------------------------------------------------------------|-----------------------------------|
| To amt. for 100 acre tract, <sup>to</sup> F. C. Anderson                | \$1400.00                         |
| To amt. of sale of 1/2 of lot to W. T. Anderson,                        | 60.00                             |
| To int. colle cted on deferred payments<br>from F. C. Anderson          | 23.56                             |
| To int. collected on dferredpayments from W. T.<br>Anderson             | <u>2.55</u>                       |
| Total to accout for, of suit ,                                          | \$1486.11                         |
| By this sum paid cost of suit,                                          | \$ 50.90                          |
| By this sum commision retained,                                         | 40.00                             |
| By this sum plaintiff's deed of trust<br>settled by F. C. Anderson,     | 618.58                            |
| By this sum paid widow's interest, in 100 acre<br>tract,                | 171.35                            |
| By this sum paid her int. in lot,                                       | 14.08                             |
| By this sum paid debts an estate,<br>see report of February 10th, 1906. | 134.40                            |
| By this sum in commissioner's hands to square<br>Total,                 | <u>456.80</u><br><u>\$1486.11</u> |

This balance in the hands of the commissioner of \$456.80  
is going to <sup>Bradley Livingston</sup> Wm. Livingston, Hubart Livingston, McKinley Livingston  
and Lenice Livingston children and heirs at law of N. B. Livingston,  
deceased, and who are minors under the age of twenty-one years, and  
who have no guardian, your commi sioner respectfully suggests  
that unless a guardian should be appointed for said infants, that  
a receiver should be a pointed in this cause, to keep the funds



at interest until the said minors arrive at the age of twenty one  
years, respectively, then the same should be paid over to them.

The said F. C. Anderson and, W. T. Anderson having each paid the  
full amo nt for the real estate purchased by them, respectively,  
are entitled to deeds therefor.

Respectfully, submitted.

James W. Orr, Clerk.



A. J. Baker.

vs } Cairn Orr's Report.

Thos J. Wickham Surge  
et al

---

Filed May 7<sup>th</sup> 1906,

A. C. Ewing,  
Clerk.

2456-80



1

THIS DEED made this April 13<sup>th</sup> 1901, by and between N. B. Livingston and Cora M. his wife of the first part and J. H. Maness Trustee of the second part all of the County of Lee and State of Virginia: Witnesseth, that for and in consideration of the facts hereinafter mention, the party of the first part do by these presents grant, bargain, sell deliver and convey unto the party of the second part all of a certain tract or parcel of land situated in Lee County Va. and on Blackwater Creek bounded as follows to-wit: Beginning <sup>on</sup> top of the ridge corner of John Huff and C. F. Carter, thence with the high ground, down the south side of the ridge with F. C. Anderson's line to the end of a plank fence, thence with said fence to the creek thence with a line crossing the creek that F. C. Anderson made to W. T. Anderson reference is given to the deed which is now on record in the Clerk's Office for the line, to the top of a spur thence with the top as it meanders and with old line southward of W. T. Anderson to a double maple thence with said Anderson's line Northeastwardly to the branch, thence northwardly with the meanders of said branch as it flows to the spring near the barn on an elm and cedar near by said spring, thence a straight line south west to a walnut corner of W. T. Anderson's old line crossing the creek and up the south side of a ridge to the top of the ridge. Which line is now on the records in the Clerk's Office in Lee County Va. thence westward with the top of said ridge to the beginning, containing by estimate one hundred acres be the same more or less.

To have and to hold, in trust, nevertheless to secure to A. J. Baker the just and full sum of five hundred dollars with legal interest on the same, due three years from date, for which amt. a note of even date has this day been executed to secure the payment of said debt.

Now if the said N. B. Livingston and Cora M. his wife shall well and truly pay or cause to be paid to said A. J. Baker said sum as above stated with interest as aforesaid then then this deed of trust <sup>shall</sup> be null and void, but in the event said N. B. Livingston and wife shall make default in the payment of said debt and interest then it shall be the duty of said trustee to sell said land with all things pertaining thereunto, to the highest bidder for cash in hand at the front door of the Court house of said County after giving 30 days notice



posting one at the front door of said Court-house of County and two others in public places in the vicinity of said land and out of the proceeds of said sale pay to said A. J. Baker his said debt with interest and pay expense of making and recording this deed of trust and also 5 pr. ct. for his trouble and the remainder pay over to said N. B. Livingston & wife. Given under our hands and seals the day and date above written.

N. B. Livingston (seal)

C. M. Livingston (seal)

Virginia, Lee County, to-wit:

I, W. A. Owens, a Notary Public in and for said County and State do certify that N. B. Livingston and Cora M. his wife whose names are signed to the foregoing deed bearing date April 13<sup>th</sup> 1901, personally appeared before me in my County and State aforesaid and each acknowledged the same to be their own act and deed.

Given under my official signature April 13<sup>th</sup> 1901.

W. A. Owens, N. P.

Virginia, Lee County, to-wit:

In the Office of the Clerk of the County Court for said County the 15th day of April, 1901, this deed was presented and with the certificate thereto annexed, admitted to record.

Teste: B. M. Morgan Clerk.

Deed Book No. 37 page 363.

A Copy, Teste: H. L. Ewing Clerk.



J. H. Maess

From Dead Trust

N. B. Livingston  
& wife.

---

Copy

A.

Ch. k. 80.



The undersigned proposes to pay for the N. B. Livingston tract of land on Black Water, Lee County, Virginia, should the same be decreed to be sold, the sum of \$1400.00, and to pay enough of the said sum in hand to satisfy the deed of trust in favor of A. J. Baker, together with the cost of suit and commission of sale, and what ever sum may be due to C. M. Livingston as widow of the said decedent, and the residue to be paid on such terms as the court may decree with interest from date of sale, to be evidenced by note or notes as the court may require.

Given under my hand this January 24th, 1905.

F. L. Anderson



F. C. Anderson  
Proposition

X



Leora M Livingston \$ 53.64  
 Int from Feb 20<sup>th</sup> to Dec 20<sup>th</sup> 1905 2.68  
 Int secured by Gains 4.86  
 Int Dec 20<sup>th</sup> 1905 61.17

Wm J Milham Schur 35.97  
 Int calculated by Gains 2.46  
 Int on \$35.97 from Feb 20<sup>th</sup>  
 to Dec 20<sup>th</sup> 1905 1.80  
40.23

Auburn Bishop. total Dec 13/905 31.50 Paid  
 Dec from above 71.73  
61.17  
\$ 132.90

W. J. Milham Schur & Co \$40.23  
 By Sheriff's fee bill due J. W. Orr 1.50  
\$ 38.73

Dec 14<sup>th</sup> 1905 \$40.23



A. G. Baker

Calcuttan

W. G. Phillips & Co.

Byelor took charge & we had nothing more to do with it.  
Byelor after this never rendered any acct or  
claimed that we owed him anything.  
Had only one contract with B. as to laging &c  
I contracted the timber to Byelor. Contract not  
reduced to writing at time we made it.

Deed &c.

Berry Howard.  
Deed &c.

W. P. Weston.

G. W. Ashmun.



Memo

Account of creditors of N. B. Livingston ~~dec~~

Paid. Card M Livingston, as reported by Court Gains  
Int from Feb 20<sup>th</sup> to Dec 20<sup>th</sup> 1905.  $\$58.49$   
2.68

Sold to this the damer tub in lot  
Wm J Guilford Shurve.  $\$38.43$   
Paid. Int to Dec 20<sup>th</sup> 1905.  $\$60.25$   
1.80

By amt due Orr Shiffs fee bill  $40.23$   
1.50 38.73

Paid E. S. B. - Suburn Bishop, amt Dec 13<sup>th</sup> 1905. 31.50  
By 5 per ct Com to O & M.  $1.55$  29.95

Int of A. M. Gains' Court fee  $1.50$   
131.35

The above to be paid by Court Orr out of  
the funds in his hands. Dec 9<sup>th</sup> 1905.  
Orr.



A. J. Baker.

vs Memo

Wm J. Rieckman Schur  
et al.

In On's funds Apr-  
1906. Bal. in report of  
Feb 10<sup>th</sup> 1906. \$149.80

From W. L. Anderson 30.20

Apr 1<sup>st</sup> 1906.

From L. C. Anderson

his last note 276.80

Apr 1906. 456.80

Wrote A. L. Fay

this Apr 27<sup>th</sup> 1906.



A. J. Baker vs H. J. Milham Shur et al.

Costs to be paid down.

\$50.90

Baker's debt.

618.58

Come on say \$1400 -

37.00

Widow's Int on this basis,

171.35-

On 6 + 12 Mat time " " "

877.83

5-22.17

\$ 1400.00

This as to 100 A. tract.

As to Lat & House. Say,

Widow's Int, 37 years old, is  $\frac{1}{2}$  + damer in other lat.

cr May 1st 1905. - by C. D. C. -

\$75.00

" " 6" " " Same

184.25-



A. J. Baker.

vs Memo.

W. J. Milham Adm.

Apr 11 1903.

\$1400. H. C. Anderson

for the 100 A.

The half of Lot  
to H. C. Anderson

for \$60.00

A. J. Baker \$625-

for 7 or 8 A

6412. ms



J. W. ORR,  
JONESVILLE, VA.

J. C. NOEL,  
PENNINGTON GAP, VA.

ORR & NOEL,  
ATTORNEYS-AT-LAW.

~~Mrs. C. M. Livingsto,~~

F. C. Sudersan yate for Livingston Land \$261.08 $\frac{1}{2}$   
Int 6 Mts from Apr 1<sup>st</sup> to Oct 1<sup>st</sup> 1905. 7.84 $\frac{1}{2}$   
Pd by Sudersan Oct 4/1905. \$268.93



H. C. Anderson

Memo of  
payment of first  
note



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *H. J. Mileham Admrs.*  
of the estate of *R. B. Livingston, deceased, C. M. Livingston,*  
*Bradley Livingston, Mrs. Livingston, Hubert Livingston,*  
*John H. Livingston, Lenice Livingston, & J. H.*  
*Manus, Trustee,*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be  
held for the said court, on the *3rd* Monday in *November, 1904*, to answer a  
bill in chancery exhibited against *them* in our said court by

*A. J. Baker*

*H. L. T. Ewing,*  
And have then there this writ. Witness, *A. B. MUNSEY*, Clerk of our said Court,  
at the court-house, the *18th* day of *November*, 190*4*, and in the *129th*  
year of the Commonwealth.

*H. L. T. Ewing,* Clerk.



A. J. Baker

vs.

SUBPEONA  
IN CHANCERY.

W. J. Milham Admr. et al

Orr & Noel p. q.

To 2nd Div. Rules.

Lee Circuit Court.

1904.

Execute in part on  
Nov. 21<sup>st</sup> 1904 by  
delivering a true  
copy of the within  
notice to  
Suing at this  
Nov. 21<sup>st</sup> 1904  
J. J. Hughey S.S.  
for R. M. Ball  
J. C. C.

Accept legal Service of the within writ.  
Nov 19<sup>th</sup> 1904, W. J. Milham Admr. et al. M. D. Livingston  
by Mr. W. C. Ball  
J. C. C.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *H. J. Mileham, Admr.*  
of the estate of *R. B. Livingston, deceased, C. M. Living-*  
*ston, Bradley Livingston, Wm. Livingston, Hubert*  
*Livingston, W. Kinley Livingston, Lefrice Livingston,*  
*& J. H. Maness, Trustee*  
to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be  
held for the said court, on the *3rd* Monday in *Nov.*, 190*4*, to answer a  
bill in chancery exhibited against *them* in our said court by  
*A. J. Baker*

*H. L. T. Eving,*  
And have then there this writ. Witness, *A. B. MUNSEN*, Clerk of our said Court,  
at the court-house, the *18th* day of *November*, 190*4*, and in the *129th*  
year of the Commonwealth.

A Copy Test:  
*H. L. T. Eving,*  
Clerk.

*H. L. T. Eving,*, Clerk.



vs.

{

SUBPEONA  
IN CHANCERY.

p. q.

To Rules.

Court.

I accept legal service  
of the within writ.  
Dec 19<sup>th</sup> 1904.

J. H. Munn